UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,142	01/26/2000	Jeffry Jovan Philyaw	PHLY-24,910	8141

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EXAMINER
VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 May 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>22-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>22-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Action is in regards to the Amendment and Response received on 07 May 2004.

2.   The application has been examined. **Original claims 22-34** are pending. The objections

and rejections cited are as stated below:

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 22-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et

al. (Hudetz), U.S. Patent No. 5,978,773 in view of Wellner, U.S. Patent No. 5,640,193 and in

further view of Lee et al. (Lee), U.S. Patent No. 6,263,383.

5.   Regarding **claim 22**, Hudetz discloses the invention substantially as claimed. Hudetz

discloses *a method for connecting a user computer at a first location on a network with a second*

location on the network through use of a coded symbol having contained therein encoded

information associated with routing information on the network to the second location [see

Hudetz, Col. 3, lines 25-36] *thereover, comprising the steps of: extracting the encoded*

information from the coded symbol and decoding such extracted encoded information to provide

decoded information [see Hudetz, Col. 7, lines 2-9, Col. 11, lines 27-39]. However, Hudetz does

not explicitly discloses inputting the decoded information to a defined port on the user computer

which has an existing first functionality associated with the operation of the user computer which

is not the same functionality as the step of inputting the decoded information, such that the step

of inputting comprises a second functionality, with the port of the user computer operable to

accommodate for both the first and second functionality during operation thereof; detecting

operation under the second functionality when decoded information is input to the port; and in

response to the step of detecting, connecting to the second location utilizing the decoded

information as well as translating the second functionality to be compatible with the first

functionality for input to the port.

6.   In the same field of endeavor, Wellner discloses (e.g., multimedia service access by

reading marks on an object). Wellner discloses *inputting the decoded information to a defined*

port on the user computer which has an existing first functionality associated with the operation

of the user computer which is not the same functionality as the step of inputting the decoded

information, such that the step of inputting comprises a second functionality, with the port of the

user computer operable to accommodate for both the first and second functionality during

operation thereof; detecting operation under the second functionality when decoded information

is input to the port; and in response to the step of detecting, connecting to the second location

utilizing the decoded information (Wellner teaches having a memory to store a scanner pen

identification (ID) code to, for example, distinguish signals from different scanner pens which

communicate with interface (15). Scanner pen ID codes could be used to uniquely identify the

user, if each user has his/her own scanner pen. In interface (15), the controller can then compare

ID against a previously stored authorization table to determine if the user's request is

authorized.), [see Wellner, Col. 2, lines 66-67 and Col. 3, lines 1-45].

7.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporated Wellner's teachings of multimedia service

access by reading marks on an object with the teachings of Hudetz, for the purpose of utilizing the scanner id in order to facilitate connection and transmission of decoded information as well as to allow for a user to be able to browse through enormous choices more easily [see Wellner, Col. 1, lines 10-22]. Thus, Hudetz provides the motivation to combine by offering a better way for consumers to access resources on remote computers, particularly websites [see Hudetz, Col. 3, lines 15-23]. However, Hudetz-Wellner does not disclose translating the second functionality to be compatible with the first functionality for input to the port.

8.   In the same field of endeavor, Lee discloses (e.g., keyboard wedge system and processing of data streams as well as a simplified configuration of barcode symbol scanning systems and processing of data streams). Lee discloses translating the second functionality to be compatible with the first functionality for input to the port (Lee teaches a hardware wedge interface whereas the keyboard (110) and the scanner (108) are plugged directly into the electronic gating circuitry of the keyboard wedge, which is then plugged into the keyboard port of the computer. Furthermore, the keyboard wedge passes typed keystrokes directly to the PC while scanned data from a scanner is fist converted (translated) into keystrokes and then passed onto the keyboard line.), [see Lee, Col. 2, lines 22-67, Col. 3, lines 1-13, 59-67 and Col. 4, lines 1-15].

9.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Lee's teachings keyboard wedge system and processing of data streams as well as a simplified configuration of barcode symbol scanning systems and processing of data streams with the teachings of Hudetz-Wellner, for the purpose overcoming the need for time-consuming and complex manual scanner configuration [see Lee, Col. 3, lines 10-12]. By this rationale **claim 22** is rejected.

10.   Regarding **claim 23**, Hudetz-Wellner and Lee further discloses *wherein the network comprises the Internet* [see Hudetz, Col. 9, lines 33-42]. By this rationale **claim 23** is rejected.

11.   Regarding **claim 24**, Hudetz-Lee and Lee further discloses *wherein the coded symbol comprises a bar code* [see Hudetz, Col. 5, lines 22-29]. By this rationale **claim 24** is rejected.

12.   Regarding **claim 25**, Hudetz-Wellner and Lee further discloses *wherein the bar code includes an UPC* [see Hudetz, Col. 6, lines 33-44]. By this rationale **claim 25** is rejected.

13.   Regarding **claim 26**, Hudetz-Wellner and Lee further discloses *wherein the bar code includes coded therein an ISBN code* [see Hudetz, Col. 6, lines 33-44]. By this rationale **claim 26** is rejected.

14.   Regarding **claim 27**, Hudetz-Wellner and Lee further discloses *wherein the bar code symbol contains therein an EAN code* [see Hudetz, Col. 6, lines 33-44]. By this rationale **claim 27** is rejected.

15.   Regarding **claim 28**, Hudetz-Wellner and Lee further discloses *wherein the coded symbol is disposed on a product* [see Hudetz, Col. 6, lines 20-25]. By this rationale **claim 28** is rejected.

16.   Regarding **claim 29**, Hudetz-Wellner and Lee further discloses *wherein the encoded information comprises information related to the product and is unique thereto* [see Hudetz, Col. 6, lines 20-25]. By this rationale **claim 29** is rejected.

17.   Regarding **claim 30**, Hudetz-Wellner and Lee further discloses *wherein the coded symbol comprises and optical symbol and the step of extracting comprises optically scanning the encoded information* [see Hudetz, Col. 6, lines 20-25]. By this rationale **claim 30** is rejected.

18.   Regarding **claim 31**, Hudetz-Wellner and Lee further discloses *wherein the step of connecting comprises the steps of: interfacing the user computer through the network to an*

intermediate location on the network having a resource server and a resource database disposed [see Hudetz, Col. 7, lines 2-42]; *transmitting the decoded information to the interface with intermediate locations* [see Hudetz, Col. 11, lines 27-40]; *the database having stored therein a table of routing information and a plurality of information for a plurality of second locations on the network* [see Hudetz, Col. 7, lines 57-67 and Col. 8, lines 1-10]; *and each of the routing information associated with one or more of different decoded information* [see Hudetz, Col. 8, lines 1-10]; *comparing the received decoded information with the stored decoded information* [see Hudetz, Col. 8, lines 1-46] *and, if there is a match, transmitting the associated routing information with the match decoding information back to the user computer* [see Hudetz, Col. 8, lines 21-53]; *and connecting the user computer with the second location in accordance with the routing information transferred from the intermediate location* [see Hudetz, Col. 11, lines 27-39]. By this rationale **claim 31** is rejected.

19.   Regarding **claims 32-34**, are substantially the same as claims 22 and 30 and are thus rejected for reasons similar to those in rejecting claims 22 and 30.

Claim Rejections - 35 USC § 103

20.   **Claims 22-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee), U.S. Patent No. 6,263,383 in view of Wang et al. (Wang), U.S. PG PUB US2002/0042736.

21.   Regarding **claim 22**, Lee discloses the invention substantially as claimed. Lee discloses *a method for connecting a user computer at a first location on a network with a second location on the network through use of a coded symbol having contained therein encoded information*

associated with routing information on the network to the second location thereover, comprising

the steps of: extracting the encoded information from the coded symbol and decoding such

extracted encoded information to provide decoded information; inputting the decoded

information to a defined port on the user computer which has an existing first functionality

associated with the operation of the user computer which is not the same functionality as the step

of inputting the decoded information, such that the step of inputting comprises a second

functionality, with the port of the user computer operable to accommodate for both the first and

second functionality during operation thereof; detecting operation under the second functionality

when decoded information is input to the port; translating the second functionality to be

compatible with the first functionality is input to the port [see Lee, Col. 3, lines 59-67, Col. 4,

lines 1-67]. However, Lee does not explicitly disclose in response to the step of detecting,

connecting to the second location utilizing the decoded information.

22.   In the same field of endeavor, Wang discloses (e.g., universal product information lookup

and display system). Wellner discloses *in response to the step of detecting, connecting to the*

second location utilizing the decoded information (Wang teaches [see Wang, Page 1, sections

0009-0013, page 2, sections 0026-0034].

23.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporated Wang's teachings of a universal product

information lookup and display system with the teachings of Lee, for the purpose of providing

for a more cost-effective, user friendly system [see Wang, section 0008]. Thus, Lee provides

motivation to combine by stating that there exists a need to overcome time-consuming and

complex manual scanner configuration [see Lee, Col. 3, lines 10-12].

24.   Regarding dependent claims 23-34, the limitations of these claims are taught within the

figures of Lee-Wang.

Response to Arguments

25.   Applicant's Request for Reconsideration filed on 07 May 2004 has been carefully

considered but is not deemed fully persuasive. However, because there exists the likelihood of

future presentation of this argument, the Examiner thinks that it is prudent to address Applicants'

main points of contention.

> a.   Applicant asserts that the present inventive concept, as defined by the amended
>
> claims, a scanner output information is utilized as if they were keyed in by the keyboard
>
> and actually add additional information to the scanned image such that, for example a
>
> CTL-O is transmitted initially, which will open the browser window in order to insert the
>
> appropriate code and the information to the browser.

26.   In response to "Point A" of applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a

scanner output information is utilized as if they were keyed in by the keyboard and actually add

additional information to the scanned image such that, for example a CTL-O is transmitted

initially, which will open the browser window in order to insert the appropriate code and the

information to the browser) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, it is

still the Examiner's position that the combination Hudetz-Wellner and Lee as well as the

combination of Lee-Wang do in fact disclose utilizing the decoded information for existing

functionality associated with a user computer that is not the same functionality as the step of

inputting. Whereas in Wellner it teaches having a memory to store a scanner pen identification

(ID) code, for example, to distinguish signals from different scanner pens, which communicate

with, interface (15). Scanner pen ID codes could be used to uniquely identify the user, if each

user has his/her own scanner pen. In interface (15), the controller can then compare ID against a

previously stored authorization table to determine if the user's request is authorized [see Wellner,

Col. 2, lines 66-67 and Col. 3, lines 1-45]. Thus, Wellner further teaches utilizing the scanner

pen in conjunction with particular marks of object that represent a unique identifier code for

electronic objects for electronic objects accessible on the ITB network [see Wellner, Col. 4, lines

25-45]. Also, Lee-Wang further teaches utilizing a keyboard wedge that converts data into

standard keyboard strokes, whereas the data that is scanned can be detected and distinguished

from ordinary typed data [see Wang, abstract].

27.   Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to

limitations, which define the operation and apparatus of Applicant's disclosed invention in

manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as

broadly as possible their invention. It is also the Examiner's right to continue to interpret the

claim language as broadly as possible. It is the Examiner's position that the detailed

functionality that allows for Applicant's invention to overcome the prior art used in the rejection,

fails to differentiate in detail how these features are unique (see page 28, line 16 through page

34, line 8 of Applicant's specification). As it is extremely well known in the networking art as

already shown by Hudetz-Wellner and Lee and other prior arts of records disclosed, for user's in

a internet television programming environment to be reminder through the use of e-mail of

specific televised programs through the internet as well as other claimed features of Applicant's

invention. Thus, it is clear that Applicant must submit amendments to the claims in order to

distinguish over the prior art use in the rejection that discloses different features of Applicant's

claim invention. Also, Applicant's arguments drawn toward distinction of the claimed invention

and the prior art teachings on this point are not considered persuasive.

Terminal Disclaimer

28.   The terminal disclaimer filed on 15 June 2004 disclaiming the terminal portion of any

patent granted on this application, which would extend beyond the expiration date has been

reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

29.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

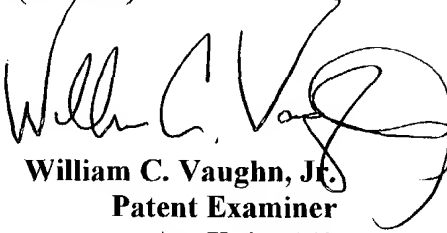policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William C. Vaughn, Jr.
Patent Examiner
Art Unit 2143
23 August 2004